IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No.20568 -CII of 2006
and C.R.No. 5258 of 2006 (O&M)

Date of decision : 16.10.2006.

Mahant Kashmir Singh

.....Petitioner.

Versus

Ex- Mahant Gurdial Singh & Ors.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. G.S. Brar ,Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

C.M. No.20568 -CII of 2006

For the reasons stated in the application, the order dated 9.10.2006 is recalled. The main case is restored to its original number.

C.R.No. 5258 of 2006 (O&M)

The present revision petition has been filed against the order dated 17.8.2006 passed by the learned Civil Judge (Sr. Divn.), Muktsar vide which the application filed by the plaintiff-petitioner to recall his witness has been dismissed.

It is not in dispute that the petitioner has examined PW Bhag Singh at length. He had already been cross-examined, therefore, the learned trial Court came to the conclusion that it is not open to the petitioner to recall a witness to fill up lacuna left during the examination. It has further held that the main controversy between the parties was regarding possession

and control over the property and the plaintiff has to prove his case in affirmative and, therefore, the application filed by the plaintiff has been dismissed.

There is no error in exercising its jurisdiction by the Court below, which may call for interference by this Court under Article 227 of the Constitution of India.

Dismissed.

October 16,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**